

WASTE 2 RESOURCES ADVISORY COMMITTEE

** MEETING SUMMARY **

January 15, 2013, 9:30 a.m.

John Sherman, Acting Committee Chair, called the meeting to order at 9:35 a.m. and introductions were made. He asked for a motion to approve the November 20, 2012 meeting notes.

Susanne referenced an email sent by Sego Jackson requesting revision of his comments in the meeting notes regarding product stewardship as follows: *“Sego Jackson was thinking product stewardship is one tool for product specific work and there are other tools as well. Packaging and products are difficult to separate as categories. Almost all that goes into the garbage is a product or package, or both, at some point.”*

There was a motion to adopt the meeting notes as amended. The motion was seconded and the notes were approved.

Budget/Legislative Update - Laurie Davies

Contact: 360-407-6103, Laurie.Davies@ecy.wa.gov

Laurie talked about the former Governor’s proposed budget. For the Waste 2 Resources (W2R) Program, it includes full funding for State and Local Toxics, and \$26 million for CPG. For WRRLCA, there is an additional \$6.5 million one-time reduction tied to her revenue package. The rest of our accounts are fully funded.

Regarding legislation, potential bills include two on bags; a battery bill; a paint bill brought forth by American Coatings Association; a resurrection of last year’s bill on flame retardants banning TRIS from children’s products and from furniture; a bill on mercury lights that NEMA is trying to move forward, although as of yesterday it had no sponsor; and a bill WSRA has talked about that would create a ban on plastic bags and five-cent fee on paper bags.

Jan Gee talked about legislation that sets up a model for communities that choose to ban plastic bags. Representative Fitzgibbon is sponsoring the bill. There is also a litter tax bill sponsored by Representative Upthegrove that would recapture the litter fund.

Laurie said the legislative committees are decided. The former Senate Environment Committee is now called “Energy, Environment and Telecommunications,” chaired by Senator Ericksen.

John Sherman asked if Laurie has heard anything about reappropriating State and Local Toxics. Laurie said she doesn’t think any cuts are coming from reappropriations.

Suellen Mele asked if the \$6.5 million reduction is from WRRLCA. Laurie said yes. Brad Lovaas mentioned he has been working with Call to Recycle on a battery bill, but he hasn’t seen a version since before Christmas.

Re-cap of Discussions on Funding & Program Priorities - Laurie Davies
Contact: 360-407-6103, Laurie.Davies@ecy.wa.gov

Laurie acknowledged W2RAC's differing opinions and priorities expressed in their discussions on priorities for WRRLCA 30 percent funding. She wants to work on issues that members feel strongly about.

Laurie talked about the near final Executive Summary Report that identifies W2RAC's process to recommend priorities for the WRRLCA 30 percent. She asked if we need to add anything to the subcommittee list to work on "parking lot" issues, if the committee would rather move forward on issues through subcommittees or as a whole committee, and how the committee will move forward to resolve very diverse opinions.

Sandra Cannon asked why the table in the Executive Summary Report showing the committee's ranking of activities isn't set up in ranking order. Janine Bogar said the list was left in the same order as it was earlier in the process for consistency's sake. Laurie said we can reorder the table from high to low.

Jan Gee wondered if there's some way to indicate where there were high votes, but disagreement. Gene Eckhardt mentioned inconsistency in some terminology in the report.

Dean Large asked about the list of subcommittees. The list includes eight different items extracted from the activities list. A few of the items were ranked very low and others fairly high. Laurie explained the list of activities is a compilation of "parking lot" issues that came up during the activities prioritization process. There was a lot of discussion on how some would vote for activities, but not in their current condition.

Other activities that ranked high such as C&D and Green Building have very diverse committee opinions. Rick Hlavka said that according to his notes the activities aren't identical. Laurie said we can easily separate them on the "parking lot" list.

Dean Large said his primary concern relates to if the committee understands what the activities are and what they do, e.g. the 1-800-RECYCLE Hotline. He understands some activities that ranked lower have a lot of merit, but would like to look at activities where we can make more progress. Rick Hlavka said he hopes we prioritize the list.

Sandra Cannon thinks the logical subcommittee ranking would be by number of votes. Laurie explained there are activities that some would vote for if further work were done. There was a lot of discussion around C&D issues, e.g. no one paying into a tax to fund the activities. There were differing opinions on the definition of a product stewardship program.

John Sherman's interpretation is the subcommittee list is for interested parties to voluntarily work on the issues. Gene Eckhardt asked if the list is an opportunity to join forces to make a case for re-votes. Laurie said she's initially looking at the opportunity for mediated discussions

on activities instead of having the issues dealt with by the Legislature. She reminded the committee that the intent of the voting was to provide guidance to Ecology as we look at budgeting limited resources.

Lorie Hewitt used the example of changing timelines for state and local plans. Ecology and a subcommittee of the W2RAC could look further at those activities. It wouldn't impact the ranking of the committee.

Laurie said Ecology can benefit from W2RAC's advice, especially if the group can come to a consensus on the issues. It would help her move forward with program planning.

Suellen Mele thinks the subcommittee issues where there was no consensus would be better addressed by the full committee. Activities such as the 1-800-RECYCLE Hotline and school awards would be great for smaller groups to work on, and bring recommendations back to the full committee.

Rick Hlavka asked if subcommittees could work on outlining issues to bring back to the full committee.

Laurie said she has to come up with a program plan based on a budget by July. She needs the committee's collective brain power to influence how we allocate the resources and ensure needs of everyone in the solid waste system are met.

Laurie said another thing we can add to our discussions is if there are some activities that are ranked high, yet shouldn't be funded by WRRLCA (Toxics instead).

John Sherman asked where Ecology needs the most guidance. Laurie said C&D recycling, and product-specific product stewardship programs. For product-specific product stewardship programs, most of the work we're doing is developing the stewardship programs and charging fees to manufacturers. Once they are developed, they have their own funding source. There is a lot of external momentum for product stewardship programs, including from manufacturers.

Jan Gee commented that as we're talking about priorities, we need to verify if activities can be paid out of MTCA. She asked if mattresses are toxic. Laurie said flame retardants in children's mattresses are; of course they can be for adults as well.

John Sherman asked if the committee had anything to add or remove from the subcommittee list.

Suellen Mele noticed on the voting list that some activities ranked a little higher after votes were added that were received after the last meeting. One was financing the solid waste system. Suellen thinks we should note that in the Executive Summary Report. She would add that activity to the "parking lot" as a "re-boot."

Laurie asked about getting consensus on items that should be full discussion. Jan Gee said it would be worthwhile to go back and look at the items that went on the “parking lot” list. She isn’t sure how some items got on the list. Was it because we ran out of time at the last meeting?

Laurie said for the next W2RAC meeting, Ecology will reorder the WRRLCA 30 percent activities ranking list by high, medium and low, and show what the cutoffs would be with available funds. Ecology will also bring back a description on the “parking lot” items, and recommendations on what items should be addressed by the full committee or subcommittees.

Kimberly Shanley asked if there is a desire for subcommittees to move forward, if that would impact interest in the issues and cause a re-vote. Laurie said the questions she’s asked are more about what activities belong in WRRLCA. Matt Henry said we went through this exercise for Ecology to get guidance. Wouldn’t input from subcommittees be of value regardless of fund source?

Cal Palmer said a helpful indicator would be if we can and would use other funds. Art Starry said he thought the same.

Jan Gee would like a clear designation on funding sources.

It was pointed out that the chart of activities handed out in November included the eligible funding sources and that many activities were eligible under both WRRLCA and MTCA.

Jody Snyder asked if items listed on the activities table in the Executive Summary Report are all funded by WRRLCA. Janine Bogar said they are all waste reduction and recycling activities, or related activities. Jody used the example of green building that is on both the activities table and the “parking lot” list. Lorie Hewitt clarified that “parking lot” items were just pulled from the list of items that needed further discussion that came up during our meetings.

Jan Gee asked Laurie if she was looking at the broad category of organics management if there would be anything that would fit under the Toxics Account. Laurie said toxics funding doesn’t have to be spent just on toxic things. It’s solid waste, too, as called out in the enabling legislation for MTCA. It started with needed emphasis on issues like illegal dumping. Jan would like to see Ecology staff put a list together with priorities.

Litter Bill Update – Jan Gee

Contact: 253-209-5079, jangee@wa-food-ind.org

Jan talked about the bill she is introducing on the WRRLCA Account. The bill prioritizes funds to those activities that address taxed products. It adds support for composting. There is emphasis for litter pickup by youth programs and other agencies (50 percent). The bill also creates a competitive matching grant program for education relating to recycling, composting, and litter control of taxed products. It also moves the litter survey to a five-year cycle.

Suellen Mele asked if language in the bill that says “*Ecology shall use the monies . . . of WRRLLCA to . . .*” means that Ecology will only do that work with WRRLLCA funds. For example, would planning work on carpet and paint and untaxed items be eligible for funding? Would sham recycling law activities be allowed? Jan said priority will be given to taxed products. She said products that are taxed are quite broad.

Rules Update – Kyle Dorsey

Contact: 360-407-6559, kyle.dorsey@ecy.wa.gov

Compost Rule

Laurie Davies said we’re delaying rule adoption until late February or early March, with the rule effective in late March or early April. The rule must be adopted by April 1. We need to complete work on remaining issues, including contaminants. It is also taking longer to complete the Concise Explanatory Statement.

Jody Snyder asked about the Responsiveness Summary for the Compost Rule. Kyle Dorsey said it’s part of the package we provide to the Director for signature (part of the CR-103 adoption package).

Mercury Lights Rule

The Mercury Lights Rule was adopted, but NEMA filed a challenge to the rule under the Administrative Procedures Act. Ecology responded to the filing, and NEMA asked for an early hearing on the rule. Meanwhile, Product Care, selected as the state contracted plan, chose not to sign their contract because their producers are suing Ecology. We advertised a new Request for Proposals last Friday. We hope to have a new successful bidder by late January.

NEMA is looking for a sponsor for their proposed legislation since Senator Nelson withdrew her sponsorship. NEMA claims Ecology overstepped its authority to define “fully funded.” We are amending CPG grants to allow continued mercury light collection with grant funds.

CPG Update – Laurie Davies

Contact: 360-407-6103, Laurie.Davies@ecy.wa.gov

Laurie said we still haven’t refilled our statewide CPG grants coordinator. We’re rebooting the CPG Workgroup to advise Ecology, and have representation from three health and planning departments. The first meeting is scheduled for the end of this month. The group will look at the draft guidelines, which haven’t really changed. We want to finalize the guidelines by the end of February or early March.

Agenda Items for Future Meetings

- Scrap Metal Buyers & Need for NPDES Permits, TBD
- Presentation on Public Participation Grants - Jason Alberich, TBD

Meeting adjourned at 11:37 a.m.

Submitted by: Susanne McLemore